United Nations S/2003/334

Security Council

Distr.: General
19 March 2003
English
Original: English and French

Draft resolution

The Security Council,

Recalling its previous resolutions and statements by its President regarding the Democratic Republic of the Congo,

Expressing its full support for the efforts of the High Commissioner for Human Rights and its appreciation of his report on the situation in Ituri (S/2003/216) and recalling the previous report on the situation in Kisangani (S/2002/764),

Welcoming the thirteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (S/2003/211),

Commending the Government of Angola for its efforts in ensuring the implementation, by the parties, of the Luanda Agreement of 6 September 2002, which establishes the basis for a settlement in the Ituri area, and expressing its gratitude to the Government of Angola for their readiness to continue these efforts,

Commending also the Government of South Africa for its role in cooperation with the Special Envoy of the Secretary-General to help the Congolese parties reach an agreement on the transitional arrangements,

Commending the efforts of the Special Envoy of the Secretary-General, the Special Representative of the Secretary-General and their teams for helping steer the negotiations in Pretoria to a successful conclusion,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

1. *Welcomes* the agreement reached by the Congolese parties in Pretoria on 6 March 2003 on the transitional arrangements, commends the Congolese parties, whose responsibility it is to implement fully the commitments they have taken, for their efforts in settling the outstanding issues, and calls on them to establish as soon as possible the transitional government in the Democratic Republic of the Congo, and stresses that any effort to undermine or delay its establishment would be unacceptable;

2. *Condemns* the massacres and other systematic violations of International Humanitarian Law and human rights perpetrated in the Democratic Republic of the Congo, in particular sexual violence against women and girls as a tool of warfare and atrocities perpetrated in the Ituri area by the Mouvement de Libération du

03-28894 (E) 200303

Congo (MLC) and the Rassemblement Congolais pour la Démocratie/National (RCD/N) troops, as well as the acts of violence recently perpetrated by the Union des Patriotes Congolais (UPC) forces, and reiterates that there will be no impunity for such acts and that the perpetrators will be held accountable;

3. *Stresses* that the military officers whose names are mentioned in the report of the United Nations High Commissioner for Human Rights in connection with serious violations of international humanitarian law and human rights should be brought to justice, through further investigation, and if warranted by that investigation, held accountable through a credible judicial process;

4. *Calls upon* the Congolese parties, when selecting individuals for key posts in the transitional government, to take into account the commitment and record of those individuals with regard to respect for International Humanitarian Law and human rights and the promotion of the well-being of all the Congolese;

5. *Strongly encourages* the Congolese parties forming the transitional government to establish as soon as possible a Truth and Reconciliation Commission charged with determining responsibility for serious violations of international humanitarian and human rights law, as set forth in the resolutions adopted in the framework of the Inter-Congolese Dialogue in Sun City in April 2002;

6. *Reiterates* that all parties claiming a role in the future of the Democratic Republic of the Congo must demonstrate their respect for human rights, International Humanitarian Law, as well as the security and well-being of civilian populations and emphasizes that the transitional government in the Democratic Republic of the Congo will have to restore law and order and respect for human rights, and end impunity, across the entire country;

7. *Requests* the Secretary-General to increase the number of personnel in MONUC's human rights component to assist and enhance, in accordance with its current mandate, the capacity of the Congolese parties to investigate all the serious violations of international humanitarian law and human rights perpetrated on the territory of the Democratic Republic of the Congo since the beginning of the conflict in August 1998, and requests also the Secretary-General, in consultation with the High Commissioner for Human Rights, to make recommendations to the Council on other ways to help the transitional government in the Democratic Republic of the Congo address the issue of impunity;

8. *Expresses its deep concern* over the heavy fighting in Bunia, demands that all parties to the conflict in Ituri immediately cease the hostilities and that all parties sign an unconditional ceasefire agreement, stresses that they must cooperate with MONUC to set up without further delay the Ituri Pacification Commission, and also stresses that the necessary steps must be taken to restore public order in Bunia, in accordance with the agreements reached among Congolese parties and within the framework of the Ituri Pacification Commission;

9. *Requests* the Secretary-General to increase MONUC's presence in the Ituri area, as security conditions permit, in particular military observers and human rights personnel, to monitor developments on the ground, including the use of airfields in the Ituri area, and also requests MONUC to provide further support and assistance to humanitarian efforts as well as to facilitate the formation of the Ituri Pacification Commission and assist the work of this commission as consistent with

MONUC's current mandate, in consultation with all the Congolese parties to the conflict;

10. *Encourages* MONUC's efforts to consult with the relevant parties on possible options for addressing the immediate security situation in the Ituri area and requests that MONUC keep the Council informed of its efforts in this regard;

11. *Demands* that all governments in the Great Lakes region immediately cease military and financial support to all the parties engaged in armed conflict in the Ituri region, stresses the need for all Congolese parties, including the Government of the Democratic Republic of the Congo, to respect their commitments under the Lusaka Ceasefire Agreement, as well as the Kampala plan and the Harare sub-plans for disengagement and redeployment, and reiterates that all foreign troops must be withdrawn from the territory of the Democratic Republic of the Congo;

12. *Calls* on the Government of Uganda to complete the withdrawal of all its troops without further delay and, in this regard, expresses its concern that that Government's commitment to withdraw by 20 March 2003 has not been met, and, concerned also at the statement of 14 March 2003 issued by the Ministry of Foreign Affairs and Regional Cooperation of Rwanda, calls on the Government of Rwanda not to return any forces to the territory of the Democratic Republic of the Congo, and stresses that any renewal of strengthening of foreign military presence on the territory of the Democratic Republic of the Congo would be unacceptable and would undermine the progress achieved thus far in the peace process;

13. *Expresses its deep concern* at the rising tensions between Rwanda and Uganda and their proxies on the territory of the Democratic Republic of the Congo, and stresses that the governments of these two countries must take steps to build mutual confidence, must settle their concerns through peaceful means, and without any interference in Congolese affairs, and must refrain from any action that could undermine the peace process;

14. *Demands also* that all the parties to the conflict in the Democratic Republic of the Congo, and in particular in Ituri, ensure the security of civilian populations and grant to MONUC and to humanitarian organizations full and unimpeded access to the populations in need;

15. *Reiterates* its demand expressed in its resolution 1460 that all parties to the conflict provide information without delay on steps they have taken to halt their recruitment or use of children in armed conflict in violation of the international obligations applicable to them, as well as its demands with regard to the protection of children contained in its resolutions 1261, 1314, 1379 and 1460;

16. *Recalls* its demand that full and unimpeded access be granted to MONUC and the Third Party Verification Mechanism so that it could verify the implementation of the Pretoria Agreement of 30 July 2002 and investigate the allegations on the presence of Rwandan troops in the territory of the Democratic Republic of the Congo, as well as allegations of support by the Government of the Democratic Republic of the Congo to the armed groups in the east of the country, reiterates that both would be unacceptable and would undermine the continuation of the peace process, and stresses that any ongoing military activity in the east of the Democratic Republic of the Congo has a detrimental effect on MONUC's operations of disarmament, demobilization, repatriation, reintegration or resettlement (DDRRR) of armed groups;

17. *Requests* that MONUC report as soon as possible to the Council on the results of its investigations referred to in paragraph 16;

18. *Expresses* its support to the broad orientations set out by the Secretary-General in paragraph 59 of his last report on the role of MONUC in support of the peace process, and expresses its intention to consider his recommendations in this regard;

19. *Reiterates* its full support for MONUC and the efforts it continues to deploy to help the parties in the Democratic Republic of the Congo and in the region advance their peace process and stresses the importance of MONUC moving forward with its phase III deployment in accordance with resolution 1445;

20. *Decides* to remain actively seized of the matter.